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| 09/901,595 | 07/11/2001 | Shigeru Nakano | DAIN:642 | 7644 |

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Parkhurst Wendel, L.L.P.
Suite 210
1421 Prince Street
Alexandria, VA 22314-2805

EXAMINER

CHEN, CHONGSHAN

| ART UNIT | PAPER NUMBER |
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2172

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,595

Applicant(s)

NAKANO, SHIGERU

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 11 March 2004.

Claims 1-3 and 7-21 are pending.

Response to Arguments

2. Applicant's arguments filed on 11 March 2004 have been fully considered but they are not persuasive.

3. In response to applicant's argument that there is no suggestion to combine the references, Mansfield et al. '914 with Koether et al. '575, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mansfield teaches a system comprising a read means that reads food information and stores the food information in a database. Koether teaches a computer including a database with food information connects to a cooking device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Koether and the system of Mansfield and incorporate the read an output means and the food database of Mansfield with the cooking device of Koether in order to control the cooking condition for food in the cooking device.

4. In response to applicant's argument that there is no suggestion to combine the references, Mansfield et al. '914 with Electrolux, the examiner recognizes that obviousness can only be

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established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mansfield teaches a system comprising a read means that reads food information and stores the food information in a database. Electrolux teaches a computer connects to a refrigerator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Mansfield and the system of Electrolux and incorporate the read and output means and the food database of Mansfield with the refrigerator in order to control the temperature inside the refrigerator according to the food stored inside the refrigerator and suggest people what to eat according to the food inside the refrigerator and its information in the food database so that the people will have enough nutrition but not over the diet limit.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575).

As per claim 1, Mansfield teaches a food information management system comprising:

a food database kept in a food information center and storing pieces of food information classified by food identification information (Mansfield, col. 1, lines 59-61);

information storage mediums each incorporated into a food and storing at least food ID information specifying the food (Mansfield, Fig. 1);

a read means capable of reading the food ID information from the information storage medium and sending the food ID information to the food information center (Mansfield, Fig. 1); and

an output means capable of receiving food information from the food information center (Mansfield, Fig. 1, 28, LCD display); and

a display means capable of displaying food information about a food (Mansfield, Fig. 1); wherein the food information center retrieves food information about a food specified by food ID information given thereto by the read means and sends the same to the output means, and the display means is connected to the output means (Mansfield, Fig. 1).

Mansfield does not explicitly disclose the read means and the output means are incorporated into a cooking device. Koether disclose the read means and the output means are incorporated into a cooking device (Koether, Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koether with Mansfield in order to control the cooking device.

As per claim 8, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, and further teach the information storage medium is a two-dimensional bar code marked on the food (Mansfield, Fig. 3C).

As per claim 10, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, and further teach the read means and the output means are included in a read/output device on the side of a consumer (Mansfield, Fig. 1).

As per claim 12, Mansfield and Koether teach all the claimed subject matters as discussed in claim 10, and further teach the read/output device is provided with a food quality determining means capable of determining quality of a food on the basis of food information provided by the output means (Mansfield, Fig. 3C).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575) and further in view of Neuhaus (5,832,446).

As per claim 2, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose cooking conditions for cooking foods. Neuhaus discloses cooking conditions for cooking foods (Neuhaus, col. 2, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Neuhaus with Mansfield and Koether in order to provide user information about how to cook foods.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575) and further in view of Hankins (GB 2313940).

As per claim 3, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, and further teach nutritive ingredients, energy-producing values and weight of foods

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(Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose food database including forbidden ingredients. Hankins discloses food database including forbidden ingredients (Hankins, page 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hankins with Mansfield and Koether in order to identify food components to which the user is allergic.

9. Claims 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575) and further in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999).

As per claim 7, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the read means and the output means are linked to the food database by the Internet. Electrolux discloses the read means and the output means are linked to the food database by the Internet (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Electrolux with Mansfield in order to perform Internet-based commerce activities.

As per claim 11, Mansfield and Koether teach all the claimed subject matters as discussed in claim 10, except for explicitly disclosing the read/output device is provided with a refrigerating condition determining means capable of determining a refrigerating condition on the basis of the food information provided by the output means. Electrolux discloses the read/output device is provided with a refrigerating condition determining means capable of determining a refrigerating condition on the basis of the food information provided by the output means (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to combine Electrolux with Mansfield in order to organize foods stored in the refrigerator.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of Koether et al. ("Koether", 5,331,575) and further in view of Inoue (4,960,983).

As per claim 9, Mansfield and Koether teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food. Inoue disclose the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food (Inoue, col. 1, lines 7-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the information storage medium of Inoue in the system of Mansfield in order to store food information.

11. Claims 13, 16, 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999).

As per claim 13, Mansfield teaches a food information management system comprising:
a food database kept in a food information center and storing pieces of food information classified by food identification information (Mansfield, col. 1, lines 59-61);

information storage mediums each incorporated into a food and storing at least food ID information specifying the food (Mansfield, Fig. 1);

a read means capable of reading the food ID information from the information storage medium and sending the food ID information to the food information center (Mansfield, Fig. 1); and

an output means capable of receiving food information from the food information center (Mansfield, Fig. 1, 28, LCD display); and

a display means capable of displaying food information about a food (Mansfield, Fig. 1); wherein the food information center retrieves food information about a food specified by food ID information given thereto by the read means and sends the same to the output means, and the display means is connected to the output means (Mansfield, Fig. 1).

Mansfield does not explicitly disclose the read means and the output means are incorporated into a refrigerator. Electrolux discloses the read means and the output means are incorporated into a refrigerator (Electrolux, page 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Electrolux with Mansfield in order to organize foods stored in the refrigerator.

As per claim 16, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, and further teach the read means and the output means are linked to the food database by the Internet (Electrolux, page 1).

As per claim 17, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, and further teach the information storage medium is a two-dimensional bar code marked on the food (Mansfield, Fig. 3C).

As per claim 19, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, and further teach the read means and the output means are included in a read/output device on the side of a consumer (Mansfield, Fig. 1).

As per claim 20, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 19, and further teach the read/output device is provided with a refrigerating condition determining means capable of determining a refrigerating condition on the basis of the food information provided by the output means (Electrolux, page 1).

As per claim 21, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 19, and further teach the read/output device is provided with a food quality determining means capable of determining quality of a food on the basis of food information provided by the output means (Mansfield, Fig. 3C).

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) and further in view of Neuhaus (5,832,446).

As per claim 14, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose cooking conditions for cooking foods. Neuhaus discloses cooking conditions for cooking foods (Neuhaus, col. 2, lines 1-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Neuhaus with Mansfield and Electrolux in order to provide user information about how to cook foods.

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13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) and further in view of Hankins (GB 2313940).

As per claim 15, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, and further teach nutritive ingredients, energy-producing values and weight of foods (Mansfield, col. 1, lines 35-37). Mansfield does not explicitly disclose food database including forbidden ingredients. Hankins discloses food database including forbidden ingredients (Hankins, page 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hankins with Mansfield and Electrolux in order to identify food components to which the user is allergic.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansfield et al. ("Mansfield", 6,283,914) in view of "Electrolux Previews Internet Refrigerator" ("Electrolux", "Electrolux Previews Internet Refrigerator", Allnetdevices.com. News Archive, online. Feb, 12, 1999) and further in view of Inoue (4,960,983).

As per claim 18, Mansfield and Electrolux teach all the claimed subject matters as discussed in claim 13, except for explicitly disclosing the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food. Inoue discloses the information storage medium is a noncontact IC tag provided with an IC chip and placed on the food (Inoue, col. 1, lines 7-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the information storage medium of Inoue in the system of Mansfield in order to store food information.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

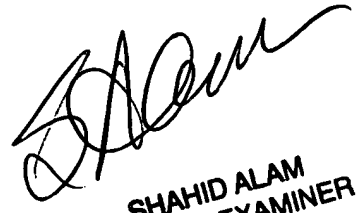
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 26, 2004



SHAHID ALAM
PRIMARY EXAMINER